

of the accident. Therefore, Mrs. Unruh contends that it is more probably true than not that her husband's accident arose out of and in the course of employment. That is the only issue before the Appeals Board on this appeal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes the Award should be affirmed.

The Appeals Board agrees with, and adopts as its own, the findings and conclusions set forth by the Judge in the Award. Mr. Unruh did not tell either his wife or his son where he was going when he left home shortly before the accident. No documents were produced that indicated that Mr. Unruh would have been meeting with or searching for an insurance client in the Quapaw, Oklahoma, area where his accident occurred. Although Mr. Unruh was a diligent, hardworking insurance agent who regularly worked on weekends, setting emotions aside, one can only speculate as to why Mr. Unruh left his home that Sunday afternoon in the face of an incoming thunderstorm and was driving the short distance between his hometown of Baxter Springs, Kansas, and Quapaw, Oklahoma, at the time of the accident.

The Appeals Board affirms Judge Howard's conclusion that the evidence fails to prove that it is more probably true than not that the August 18, 1996 accident arose out of and in the course of employment.

AWARD

WHEREFORE, the Appeals Board affirms the October 20, 1999 Award entered by Judge Howard.

IT IS SO ORDERED.

Dated this ____ day of February 2000.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Theodore C. Geisert, Kingman, KS
Blake Hudson, Fort Scott, KS
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director